S.B. CR. REVISION PETITION NO.1272/2007
Pappu Singh & Ors. Vs. State of Rajasthan

DATE OF ORDER : 27.11.2007

HON'BLE MR JUSTICE GOVIND MATHUR

Mr. Sandeep Mehta, for the petitioner(s).
Mr. Vishnu Kachhawaha, Public Prosecutor.

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This petition under Section 397 read-with 491 Cr.P.C. is preferred against the order dated 30.10.2007 passed by the learned Addl. Sessions Judge(Fast Track) No.2, Pali in Sessions Case No.42/2007 framing charges against the petitioners for the offences punishable under Section 341, 323, 323/34, 324, 324/34, 325, 325/34, 326, 326/34, 307 and 307/34 IPC. During the course of arguments learned counsel for the petitioner has confined his arguments to the extent of framing of charges under Section 326, 326/34, 307 and 307/34 IPC. It is contended by learned counsel for the petitioner that from the police report submitted under Section 173 Cr.P.C. and the documents annexed thereto no offence that may be punishable under Section 326, 326/34, 307 and 307/34 is made out, and therefore, the petitioners deserve to be discharged from the charges relating to the aforesaid offences.

I have examined the police report and the documents annexed thereto. The injured has received sharp injuries of grievous nature and

thus prima facie adequate material is available to frame a charge against the petitioners for offences punishable under Sections 326, 326/34 IPC. However even according to the prosecution the injured person was brought to the police station in unconscious condition by the accused persons. The accused persons, therefore, if were having any intention to kill the injured they were having sufficient opportunity to do so. Looking to this fact the intention of the accused persons does not appear to kill the injured Kesa Ram. No other evidence is available on record on basis of that even prima facie it can be said that there was any intention of accused persons to kill the injured.

In view of it, the petitioners deserve to be discharged from the offences under Section 307 and 307/34 IPC. The revision petition for the reasons mentioned above deserves to be allowed in part. The order impugned dated 31.8.2007 passed by the learned Addl. Sessions Judge (Fast Track) No.2, Pali is quashed to the extent it relates to framing of charge under Section 307 and 307/34 IPC against the petitioners. The petitioners are ordered to be discharged from the offences punishable under Section 307 and 307/34 IPC.

(GOVIND MATHUR),J.

Jgoyal